

# THE BERKMAN LAW OFFICE, LLC

111 Livingston Street, Suite 1928  
Brooklyn, New York 11201

Tel: (718) 855-5627

Fax: (718) 855-4696

August 31, 2015

**BY ECF**

Hon. Shira A. Scheindlin  
United States District Judge  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *Moriah v. Bank of China*, Docket no. 12-cv-1594(SAS)  
Response to Hirshfelds' request to move to intervene

Dear Judge Scheindlin,

This is in response to the August 25, 2015 letter from counsel for the Hirshfeld family in which they seek leave to move to intervene in the *Moriah* case referenced above.

Inasmuch as the *Moriah* case has now been dismissed, it is respectfully submitted that the application to intervene is moot for the reasons stated in the joint letter of today's date from Mitchel Berger, Esq. and Lanier Saperstein, Esq. Although there may have been commonality of issues, the two cases are now at vastly different ends of the procedural spectrum: one not even commenced, the other discovery completed and dismissed. In short, at this point, there is nothing for the Hirshfelds to intervene into. Intervention should therefore be denied.

Denying intervention will cause no prejudice to the Hirshfelds. To whatever extent they have a viable claim they can pursue it by simply filing an action. It was never necessary for them to intervene to pursue whatever rights they have.

Respectfully yours,

  
Robert J. Tolchin

cc: All counsel of record, by ECF